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Date: Tuesday, September 12, 2006 7:03:48 PM

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To: Central Fax

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From: Norman E. Brunell

No. of Pages: 12

(including cover page)

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Re: Application No. 10/635,829 Filed 08/05/2003

Attached are:

1. Transmittal Form, 1 pg.
2. Copy of Notice of Non-Compliant Amendment, 1 pg.
3. Response to Notice of Non-Compliant Amendment, 9 pgs.

Thank you.

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PTO/SB/21 (07-06)

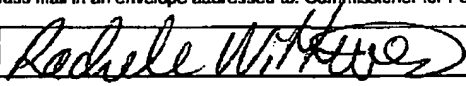
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/635,829	
	Filing Date	08/05/2003	
	First Named Inventor	Brent CHRISTNER	
	Art Unit	1725	
	Examiner Name	EDMONDSON, Lynne R.	
Total Number of Pages in This Submission	10	Attorney Docket Number	154494-0034

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form with Deposit Account Authorization <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply, 9 pgs. <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request See Remarks <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): > Copy of Notice of Non-Compliant Amendment, 1 pg.
Remarks Charge underpayment, or credit overpayment to Deposit Account No. 09-0946.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Irell & Manella LLP - Customer No. 29000	
Signature	/Norman E. Brunell - Reg. No. 26,533/	
Printed name	Norman E. Brunell - Reg. No. 26,533	
Date	September 12, 2006	Reg. No. 26,533

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Rachele Wittwer	Date September 12, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 as gathering, preparing, and submitting the completed application form to the USPTO. Time amount of time you require to complete this form and/or suggestions for reducing this but Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 2231 ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA

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SEP 12 2006

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10635829

Applicant(s)

Examiner

Art Unit

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 8-17-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract
- ☐ A. Not presented on a separate sheet 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/precognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Annie C. Sengstack
Legal Instruments Examiner (LIE)

571-272-1049
Telephone No.